

HOUSE JOINT RESOLUTION 7

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 5, SECTION 7 OF THE  
CONSTITUTION OF NEW MEXICO TO MODIFY THE SEQUENCE OF  
GUBERNATORIAL SUCCESSION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 5, Section 7  
of the constitution of New Mexico to read:

"A. If at the time fixed for the beginning of the  
term of the governor, the governor-elect ~~[shall have]~~ has died,  
the lieutenant governor-elect shall become governor. If a  
governor ~~[shall]~~ is not ~~[have been]~~ chosen before the time  
fixed for the beginning of ~~[his]~~ the governor's term, or if the  
governor-elect ~~[shall have failed]~~ fails to qualify, then the  
lieutenant governor-elect shall act as governor until a  
governor ~~[shall have]~~ has qualified ~~[and]~~. The legislature may

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underscoring material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 by law provide for the case [~~wherein~~] where neither a  
2 governor-elect nor a lieutenant governor-elect [~~shall have~~  
3 ~~qualified~~] qualifies, declaring who shall then act as governor,  
4 or the manner in which [~~one who is to act~~] the governor shall  
5 be selected, and [~~such~~] that person shall act accordingly until  
6 a governor [~~or~~] and lieutenant governor [~~shall~~] have qualified.

7       B. If after the governor-elect has qualified a  
8 vacancy occurs in the office of governor, the lieutenant  
9 governor shall succeed to that office, and to all the powers,  
10 duties and emoluments thereof, provided [~~he~~] the lieutenant  
11 governor has by that time qualified for the office of  
12 lieutenant governor. In case the governor is absent from the  
13 state, or is for any reason unable to perform [~~his~~] the  
14 governor's duties, the lieutenant governor shall act as  
15 governor, with all the powers, duties and emoluments of that  
16 office until such disability be removed. In case there is no  
17 lieutenant governor, or in case [~~he~~] the lieutenant governor is  
18 for any reason unable to perform the duties of governor, then  
19 the [~~secretary of state~~] speaker of the house shall perform the  
20 duties of governor [~~and~~]. In case there is no [~~secretary of~~  
21 ~~state~~] speaker of the house, or the speaker of the house is for  
22 any reason unable to perform the duties of governor, then the  
23 president pro tempore of the senate [~~or~~] shall perform the  
24 duties of governor. In case there is no president pro tempore  
25 of the senate, or [~~he~~] the president pro tempore of the senate

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~~[bracketed material]~~ = delete

1 is for any reason unable to perform the duties of governor,  
2 then the ~~[speaker of the house]~~ secretary of state shall  
3 succeed to the office of governor, or act as governor as  
4 hereinbefore provided."

5 Section 2. The amendment proposed by this resolution  
6 shall be submitted to the people for their approval or  
7 rejection at the next general election or at any special  
8 election prior to that date that may be called for that  
9 purpose.